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6 Attorneys for Plaintiff
United States of America
7

8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,) Criminal Case No. 08-CR-2352-LAB

11 Plaintiff,)

12 v.)

13 JORGE MONTES-LEYVA (1),)
JUAN PEDRO SIDA-ARELLANO (2),)
14 ALDO MIRAMONTES-CARRILLO (3),)
JOVANN ALFREDO ALONSO-PEREZ (4),)

15 Defendants.)
16 _____)

**JOINT MOTION TO CONTINUE MOTION
HEARING AND TRIAL SETTING TO
SEPTEMBER 15, 2008**

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18 The parties jointly move the Court to continued the motion hearing and trial setting from
19 September 8, 2008 to September 15, 2008. The reasons for this one-week continuance are set forth in
20 the attached Declaration of David D. Leshner. All defendants are in custody, and the parties agree that
21 time is excludable until September 15, 2008 due to the pending motions.
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23 DATED: September 1, 2008.

Respectfully submitted,

24 Karen P. Hewitt
United States Attorney

25 /s/ David D. Leshner
26 DAVID D. LESHNER
27 Assistant U.S. Attorney
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1 DATED: September 1, 2008. /s/ Victor Torres
Victor Torres
2 Attorney for Jorge Montes-Leyva
3 DATED: September 1, 2008. /s/ Howard Frank
Howard Frank
4 Attorney for Juan Pedro Sida-Arellano
5 DATED: September 1, 2008. /s/ Timothy Scott
Timothy Scott
6 Attorney for Aldo Miramontes-Carrillo
7 DATED: September 1, 2008. /s/ Lynn Ball
Lynn Ball
8 Attorney for Jovann Alfredo Alonso-Perez
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DECLARATION OF DAVID D. LESHNER

I, David D. Leshner, declare:

1. I am an attorney admitted to practice in the courts of this State and in the United States District Court for the Southern District of California. I make this declaration in support of the parties' Joint Motion to Continue the Motion Hearing and Trial Setting in this matter from September 8, 2008 to September 15, 2008.

2. At the initial motion hearing and trial setting on August 25, 2008, the parties informed the Court that Lynn Ball, Esq., counsel for defendant Jovann Alfredo Alonso-Perez, was absent because he was in trial in San Diego Superior Court. Also at the August 25 hearing, the Court relieved Federal Defenders of San Diego, Inc. as counsel for defendant Aldo Miramontes-Carrillo due to a conflict of interest. The Court appointed Timothy Scott, Esq. to represent Mr. Miramontes and continued the motion hearing and trial setting to September 8, 2008 at 2:00 p.m.

3. Following the August 25 motion hearing, I contacted all four defense counsel to discuss scheduling issues concerning the continued hearing on September 8. In particular, Mr. Ball informed me on August 28, 2008 that he does not expect his trial will not conclude by September 8 and that he will be unable to attend the motion hearing and trial setting on that date. Mr. Ball expects his trial to conclude prior to September 15, 2008 and will be available on that date.

4. On August 27, 2008, I spoke with Timothy Scott, recently-appointed counsel for Mr. Miramontes. Mr. Scott informed me that he would join in a motion for a one-week continuance as that would provide him with additional time to familiarize himself with the case prior to the motion hearing. On August 28, 2008, I spoke with Victor Torres and Howard Frank, counsel for Mr. Montes-Leyva and Mr. Sida-Arellano, and both informed me that they would join in a request for a continuance to September 15, 2008.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DATED: September 1, 2008 /s/ David D. Leshner
DAVID D. LESHNER

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) Case No. 08-CR-2352-LAB
)
Plaintiff,)
)
v.)
) CERTIFICATE OF SERVICE
)
JORGE MONTES-LEYVA (1),)
JUAN PEDRO SIDA-ARELLANO (2),)
ALDO MIRAMONTES-CARRILLO (3),)
JOVANN ALFREDO ALONSO-PEREZ (4),)
)
Defendant.)
_____)

IT IS HEREBY CERTIFIED THAT:

I, DAVID D. LESHNER, am a citizen of the United States and am at least eighteen years of age. My business address is 880 Front Street, Room 6293, San Diego, California 92101-8893.

I am not a party to the above-entitled action. I have caused service of **JOINT MOTION TO CONTINUE MOTION HEARING AND TRIAL SETTING TO SEPTEMBER 15, 2008** on the following parties by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies them.

Victor Torres, Esq.

Howard Frank, Esq.

Timothy Scott, Esq.

Lynn Ball, Esq.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 1, 2008.

/s/ David D. Leshner
DAVID D. LESHNER